RIDICULES ALL CLAIMS

MADE FOR FRANK

Dorsey’s Assistant Makes Only Short Speech in Attack on De-

fense’s Prejudice Charges.

Solicitor General Hugh M. Dorsey began Monday afternoon the State’s reasons for opposing a new trial for Leo M. Frank with the same dogged persistence on every point that who for him the conviction of Frank. He arrayed his arguments against a new trial and maintained that they were sufficient to prevent the court from over-ruling the verdict.

He characterized Attorney Arnold’s arguments as a “three day harangue of piffle, most of which consisted of vilification and abuse.” The Solicitor devoted all the time of the afternoon to an emphatic defense of Juror Henslee. He conceded none of the allegations made against Henslee and contended that the affidavits against Henslee were made in great part by irresponsible persons who since had been impeached.

In a determined effort to batter down one of the strongest arguments for a new trial for Frank—the alleged bias and violent prejudice of two of the jurors—Frank A. Hooper, associated with Solicitor Dorsey in the prosecution of Frank, rushed to the defense of A. H. Henslee, the juror most vigorously assailed, immediately upon the conclusion of Reuben Arnold’s address Monday afternoon.

Attorney Arnold finished his argument at 2:30 o’clock, after talking for eleven hours and 45 minutes and consuming a large part of three days’ sessions in his discussion of the reasons for a new trial.

Solicitor Dorsey will conclude the State’s case in opposition to a new trial when Attorney Hooper finishes.

Calls Charge a Fantasy.

Hooper branded Arnold’s charge that Henslee plotted to get on the jury and later played a deep game to poison the minds of the other jurors as a “fantasy, improbable and ridiculous, conjured up by the vivid imagination of my friend Arnold.”

Evidently feeling that one of the strongest entrenchments of the defense was constituted in its contention of violent bias, Attorney Hooper devoted all the early portion of his address to an argument on what he termed the utter improbability of Henslee making the inflammatory statements credited to him.

He pointed out that Henslee sold eight buggies to Sam Farcus, at Albany, on July 8, the date Henslee is alleged to have expressed his opinion of Frank’s guilt in the presence of Farcus and other persons.

The lawyer argued that if Henslee ever had expressed such sentiments he never would have sold the buggies to Farcus, a co-religionist of Frank’s.

Referring to the affidavits from Shi Gray, S. M. Johnson and John Holmes, of Sparta, Attorney Hooper declared that inasmuch as all three

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DORSEY CHARGED

WITH HEAD HUNTING

Arnold Declares Solicitor and Police Appealed to Mob Spirit for Conviction.

Continued From Page 1.

undeniably were mistaken in quoting Henslee as saying he had been drawn on the jury, as he had not been drawn at that time, it was only fair to assume that they might very easily be mistaken in reference to Henslee's remarks about Frank and the question of his guilt.

Hooper asserted that nothing in the progress of the trial happened to intimidate the jurors or to warrant Attorney Arnold in his description of the jurors as "twelve scared rabbits in wild flight

at the snap of the gun.” He said that if a new trial was to be granted every time there was a ripple of applause in the courtroom, new trials would be given in practically every murder trial in the State, as the friends of the accused could make the demonstration themselves and thus insure the defendant another change to escape his merited punishment.

Resents Arnold’s Remarks.

Attorney Arnold, in closing his address, emphasized the responsibility resting with the court and said that if a new trial was refused it forever would put at rest the entire case, so far as the facts were concerned.

Attorney Hooper concluded his argument at 3:30, having talked only one hour. He resented strongly in his closing remarks the bitter criticism made by Attorney Arnold of the manner in which the Solicitor General had conducted the case.

Solicitor Dorsey then took up the closing argument.

That the conviction of Leo Frank was accomplished by crookedness, by the “playing of cards under the table” and the “pulling of every string of prejudice” was the sensational accusation made Monday by Reuben R. Arnold. He concluded his speech at the afternoon session.

To this he added the charge that Dorsey had political reasons for pursuing Frank and “shielding the negro.”

“Dorsey said that no power on earth could compel him to prosecute the negro as the murderer of Mary Phagan,” exclaimed Arnold. “There was a mighty good reason or him to say this. He knew that the people almost solidly were against Frank and it is the people that elect him to office.”

“He virtuously proclaimed that ‘I’ll protect this poor, innocent nigger and convict the biggest man in the community if I think it is right.’ That has been the cry of the demagogue since the beginning of the world. It has come to be dangerous to be respectable or to have any money. One makes so much better a

target for the demagogues who are seeking to make a name for themselves.”

He pointed out that Henslee, except in two instances, denied only that he had made before the trial the remarks accredited to him, and that in one case where he had denied being in Albany on July 8 it conclusively had been proved by the hotel register and by a carbon copy of an order which Henslee himself had signed that he was there on that date.

Arnold contended that he had made out a plain and indisputable case of prejudice and bias against Henslee by persons of unblemished reputation and standing in their respective communities.

“I am arguing this point of Henslee’s prejudice,” he said, “just the same as though it were before the trial and I were resisting the selection of Henslee as a juror and I want your honor to consider it in the same light. If at that time you would have considered him incompetent to serve because of the plainly indicated prejudice and bias, then you can do nothing less now than to decided that he was incompetent and that the verdict, therefore, was vitiated by his selection and by the probability that he poisoned the minds of the other jurors against the defendant.

Rosser Interrupts Arnold.

“If your honor turns us down on this ground there never will be a ground of this sort that will be good any more. “

“Luther Rosser, chief of counsel for Frank, interrupted Arnold at one point to make the charge that the pencil memorandum purporting to have been made by Henslee of his daily movements about the State as a salesman had been entered all at one time by Henslee after the charges had been made against him. The memorandum was submitted by Dorsey as an exhibit in Henslee’s defense.

“The Solicitor and the detectives were just going to get Frank nolens volens,” was the opening declaration of Attorney Arnold

when the hearing on a new trial resumed Monday morning. “The indictment against Frank was brought before the Grand Jury ever knew about Conley’s confession, before there ever was anything to warrant the indictment. I just want to show the spirit that has pervaded the investigation all the way through.”

“The Solicitor contends that Conley’s story damns Frank, but this indictment was drawn and returned before ever the grand jurors were aware of the negro’s statements and before there was anything to connect Frank with the crime except his free and voluntary admission that he was in the factory at the time Mary Phagan came in to get her pay.”

Question of Perversion.

“People have been only too eager to believe Frank a pervert. But form what source did they get their information? They got it from only one person, the miserable lying Jim Conley, who knew his own neck was at stake. I am making no charges, but it required only the merest suggestion from the detectives to persuade Conley to utter this infamous and diabolical lie against Frank in order to save his own neck.”

“What were the detectives doing with Conley all the time they had him? The State’s own witness, Detective Harry Scott, admitted that they coaxed, cajoled, threatened, led and prompted the negro and pointed out to him the weak spots in his story and made him revise it.”

“The Solicitor claims that all the circumstances and all the testimony of the case sustain Jim Conley’s story, but the fact of the matter is that Conley’s story never was corroborated except in the facts which the detectives knew before they had Conley’s confession and to which the confession itself was made to conform.”

Didn’t’ Stop Monteen Stover.

“Why, Conley did not even stop little shrinking Monteen Stover, who tripped up those stairs without interference. Conley

said he saw her. He said that, just a moment before, he had heard the piercing scream of Mary Phagan. Yet he let Monteen Stover go on upstairs. Your honor, do you believe that Jim Conley ever was watching there at the foot of those stairs? NO one can, it seems to me. It is the rottenest, clumsiest lie ever invented."

"Every fact of the case connects him more closely with the crime than any fact points suspicion toward Frank. The handwriting convicts Conley. His confessions convict him. He admitted, after concealing the fact for weeks, that he was in the factory at the time of the murder."

"He confessed to handling the body. He was seen by Ivy Jones, another negro, at 1:45, giving him just about time to dispose of the body. At this time Frank had been at home more than twenty minutes."

Arnold asserted that Frank had established as powerful an alibi as ever existed and that the physical facts of the case made it absolutely impossible for Frank to have been the murderer.

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DORSEY DENOUNCES DEFENSE'S WITNESSES

PDF PAGE 2, COLUMN 7

SOLICITOR SCATHING IN DEMAND FOR DENIAL OF NEW FRANK TRIAL

Juror A. H. Henslee’s alleged bias against Leo M. Frank around which much of the hardest fighting in the hearing for a new trial has centered, again was the subject when Solicitor General Dorsey resumed his argument in defense of the verdict of guilty Tuesday, in the library of the State Capitol. He made a bitter attack on the character of some of the defense’s witnesses.

The Solicitor took up the business connections, character and reputation of each of the jurors, paying particular attention to Henslee and Johenning, the two attacked, and sought to show that the jury was unusually and remarkably high class, and that it was utterly futile to allege that any member was prejudiced and unfair, as it has been the endeavor of Frank’s lawyers to establish.

Dorsey made an eloquent protest against the upsetting of a solemn verdict of a jury on what he described as flimsy and insubstantial groudns advanced by the defense. He savagely

attacked the reputation for veracity of several of the defense's witnesses who swore to the expressed bias of Henslee and asked if a new trial should be granted on their irresponsible statements.

C. P. Stough, of Atlanta, a representative of the Mason's Annuity; Samuel Aaron, of No. 217 Crew street, and R. L. Gremmer, of Albany, were the trio most bitterly assailed by the Solicitor. All had testified to hearing Henslee make denunciatory remarks in regard to Frank before the trial began.

"It's up to your honor to say whether you will take the word of Stouch, impeached by Lou Castro and H. L. Bennett, or that of Henslee, not only unimpeached, but sustained by the other eleven jurors with whom he was thrown for the 29 days of the trial," said Dorsey.

"It is up to your honor to say whether you will take the word of the irresponsible Sam Aaron or that of the impeached R. L. Gremmer against that of this juror who was unchallenged when he went into the jury box and whose vote of 'doubtful' on the first ballot—the only 'doubtful' vote cast—indicates that he was far from biased or prejudiced.

"I don't think that the verdict of an American jury of good and honest men so lightly should be upset as my brothers of the defense propose. I don't think on these flimsy representations made by the other side we should overthrown the solemn adjudication of the twelve men who sat on the case."

Would Make Law Farce.

"My eloquent-tongue friend, Mr. Arnold, talked impressively of trembling for the law if another trial was not granted, but you very well may talk about trembling for the law, you may talk about farces in a court of justice, if you set a precedent by granting a new trial with no more grounds than have appeared in this hearing."

"These are the points on which your honor is to pass, as I understand it:"

“On the question of bias and prejudice on the part of the jurors.”

“On the question of the cheering and demonstrations.”

“On the question of law in respect to the charges your honor gave or did not give to the jury.”

“On the question of Conley’s evidence in respect to the defendant’s moral conduct.”

“Your honor said at the close of the trial that you had endeavored to see that Frank was given a fair and impartial trial as guaranteed by law. Either that statement meant everything or nothing. The next day your honor sentenced the prisoner to death, thus confirming the implication that appeared to lie in your remark of the day before.

“It was a curious fact that Mr. Arnold in his three days’ harangue, most of which was vilification and abuse, hardly sought to dignify in his arguments the legal points that are involved in his demand for a new trial.”

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HENSLEE’S FOES

DENOUNCED BY DORSEY

Frank’s Attorneys Are Accused of Trying to Win Case by Vilification.

Continued From Page 1.

He was too good a lawyer to lay any great stress on them. They are too weak to stand it. Of course, I don’t know what Mr.

Rosser will do when he takes up the closing arguments for the defense."

"Attorney Rosser interrupted the Solicitor to say that he might be a bad enough lawyer to insist on the consideration of those very points."

Frank A. Hooper, who was associated with the Solicitor in the prosecution of Frank, spoke an hour at the hearing Monday after the conclusion of Reuben Arnold's argument, which had consumed a total of nearly twelve hours in its delivery. Hooper ridiculed the allegations of bias against Henslee and declared that the charges of prejudice were so vague and indefinite as to time and surroundings that no credence would be given them in nine cases out of ten.

Third Degree Denied.

Hooper resented strongly the insinuations that Dorsey had conducted the case in a vindictive and unfair manner and had used "third degree" methods to write false testimony from some of the witnesses, notably Minola McKnight.

He declared that it had been the Solicitor's sole endeavor to get at the truth in the case and that if less had been done he would have thought Dorsey was not doing his duty.

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DORSEY CHARGES FRAUD BY DEFENSE

AFFIDAVITS ACCUSING FRANK JUROR OF BIAS UNTRUTHFUL, HE SAYS

Branding as highly improbable, absurd, and ridiculous the scores of affidavits charging A. H. Henslee with the utterance of certain remarks indicating prejudice and animosity against Leo Frank, Solicitor Hugh M. Dorsey came vigorously to the defense of the accused juror in his argument Tuesday morning, in the hearing of the motion for a new trial for the convicted factory superintendent.

The Solicitor declared vehemently that many of the depositions offered by the defense bear the earmarks of fraud, citing the affidavits of Leon Harrison and Julius Lehman as specific instances. He ridiculed Lehman’s affidavit, declaring hiss statement is shot through and through with the absurdity and improbability, and that it is proven false by Henslee’s own

affidavit. There was too much of Lehman’s affidavit, the Solicitor declared; it was too definite and precise. Laughable, he declared, is the only term that fits it.

The Solicitor spent practically the entire morning in an endeavor to ridicule with shafts of ridicule and sarcasm the depositions offered by the defense. The affidavit of Samuel Aaron, who swore that Henslee, during a controversy in the Elks’ Club in June, characterized Frank as a–Jew, and expressed a desire to kill him was a target for more than an hour of the Solicitor’s ridicule.

“It is highly improbable,” the Solicitor declared, “that the controversy could have happened at the Elks’ Club, granting that it could actually have happened at all, because the Elks’ Club has more Jewish members than any club in the city, with the exception of the solely Hebrew clubs. And surely Henslee has enough refinement of character to keep to himself whatever opinion he might have of a certain race.”

“Aaron’s tale is as improbable as the setting he provides for it is improbable. There must have been other people who heard Henslee’s remarks besides Aaron, Aaron said the remarks were heated, and heated remarks indicate a controversy, an argument. Why didn’t Aron give the names of the other men who were there and took part in the controversy? Why isn’t Aaron sustained?”

“Aaron has been impeached by three men, and most of the others who made depositions for the defense have also been impeached, and Luther Rosser is so desperate that he is attempting to upset the work of judge and jury on such stuff as Aaron’s, backed up by impeached testimony. A man who is worth a hill of beans can not be impeached as easily as the State has impeached Aaron and the rest, in the short time we have had to do it.”

Mr. Dorsey declared that if Henslee was biased or prejudiced then the other jurors, who swore that Henslee was fair and open-minded, are either fools or liars, or both.

“It is not possible,” he declared, “that Henslee, biased and prejudiced, could have served for 29 days with those other eleven jurors and not betray some indication of prejudice. And everyone of the eleven jurors has sworn that Henslee did not show any bias or prejudice at any time during the trial.”

Henslee Unimpeached.

“It’s up to your honor to say whether you will take the word of Stouch, impeached by Lou Castro and H. L. Bennett, or that of Henslee, not only unimpeached, but sustained by the other eleven jurors with whom he was thrown for the 29 days of the trial,” said Dorsey.

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“It is up to your honor to say whether you will take the word of the irresponsible Sam Aaron or that of the impeached R. L. Gremmer against that of this juror who was unchallenged when he went into the jury box and whose vote of ‘doubtful’ on the first ballot—the only ‘doubtful’ vote cast—indicates that he was far from biased or prejudiced.

“I don’t think that the verdict of an American jury of good and honest men so lightly should be upset as my brothers of the defense propose. I don’t think on these flimsy representations made by the other side we should overthrown the solemn adjudication of the twelve men who sat on the case.”

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“Your honor said at the close of the trial that you had endeavored to see that Frank was given a fair and impartial trial as guaranteed by law. Either that statement meant everything or nothing. The next day your honor sentenced the prisoner to death, thus confirming the implication that appeared to lie in your remark of the day before.

“It was a curious fact that Mr. Arnold in his three days’ harangue, most of which was vilification and abuse, hardly sought to dignify in his arguments the legal points that are involved in his demand for a new trial.”

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HENSLEE’S FOES SCORED

AS UNWORTHY OF BELIEF

BY SOLICITOR GENERAL

Continued From Page 1.

He was too good a lawyer to lay any great stress on them. They are too weak to stand it. Of course, I don't know what Mr. Rosser will do when he takes up the closing arguments for the defense."

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DORSEY CHARGES PLOT FOR FRANK

PDF PAGE 4, COLUMN 7

ARNOLD DENOUNCED AS SLANDERER OF PEOPLE

OF CITY BY SOLICITOR

Branding the efforts of Luther Rosser and Reuben Arnold to prove the existence of a “triumphant mob spirit” during the trial of Leo M. Frank as a “slander against the citizenship of the community and an insult to the people of Georgia,” Solicitor Dorsey Tuesday scathingly arraigned the scathingly arraigned the scores of men who have made affidavits charging bias and prejudice and bloodthirsty animosity on the part of Jurors Henslee and Johenning.

The depositions of the defense he characterized as highly improbable, absurd and ridiculous, unworthy of belief, and his argument teemed with intimation that the affidavits were manufactured out of whole truth, and were downright lies.

Launching a vigorous defense of Jurors Henslee and Johenning at the opening of the hearing this morning, Solicitor Dorsey interpolated in his speech a fiery denial that the feeling manifested by the crowd that attended the trial was an expression of hatred against Leo M. Frank as a Jew.

“The people were not aroused against Leo M. Frank because he is a Jew,” the Solicitor said, “but because he is a criminal. IN the name of the Gentiles of Atlanta, in the name of a community which the learned counsel for the defense declares was ‘carried away with malice and a thirst for blood,’ I challenge anyone to show me where anyone cried, ‘Hang Frank! Lynch him!’ or made any remark that could be taken as an expression of personal hatred. The counsel for the defense when they charge the jury with bias and prejudice and charge the people of Atlanta with intimidating the jury with a display of ‘mob spirit,’ are not making

personal accusations against any of these men. They are slandering the citizenship of the community.

As to Cheers for Dorsey.

"It is true that the people in the streets did holier for me, but that shows nothing. Because the people, for some reason or other, saw fit to cheer for me, the counsel for the defense has chosen to warp it and construe it into a demonstration against Frank."

They might as well contend that when some people applaud the hero in a melodrama, and hiss the villain, that they are applauding the man and not the part; that they are hissing the man and not the part. The people have a right to come to the courthouse; they have a right to cheer whom they please. If they want to cry that cheering for me is persecution of Frank because he is a Jew, let them do it.

"Their charges are an attack upon your honor (Judge Roan) as much as they are an attack upon me and the members of the jury. They combated your rulings all during the trial. They said they would move for a mistrial, and they did. And your honor overruled them. Your honor was sworn to give Leo Frank an impartial trial, and yet on every point up jumped Rube Arnold, like a chattering jack-in-the-box, like someone was working him on a string. A. H. Henslee, your honor, was not attacked more as a man than your honor was as a judge."

Discusses Henslee Affidavit.

The Solicitor read and discussed in detail the affidavit of A. H. Henslee, the juror around whom the fight for a new trial has centered, which has appeared in print many times. He called attention to the fact that Henslee denies specifically every instance in the affidavits charging him with prejudice and bias, where he is quoted as expressing an opinion as to the guilt of Frank.

“Henslee admits,” said the Solicitor, “that he said, many times, that the man who killed Mary Phagan ought to hang. What is more natural than the people he talked to should have drawn the interference that he meant Frank when he said that? Who didn’t say those words during the early date of the case? Your honor said it when you pronounced the death sentence of Leo M. Frank. Everybody said it, even though Reuben Arnold brought in here Saturday a learned dissertation on civilization and the abolition of capital punishment and some more of that tommyrot.”

Didn’t Hear Cheering.

Solicitor Dorsey also dwelt for a considerable length of time on the affidavits of Henslee and the other jurors that they had not, during the trial, heard any of the cheering, except what was heard in open court and which was instantly reproved by Judge Roan. He declared also that at no time during the trial did any member of the jury betray an undue interest for or against Frank, and declared that he challenged Frank’s attorneys to cite an instance where such an occurrence took place.

The Solicitor was expected to finish some time in the afternoon, and Luther Rosser was prepared to make the closing plea for the defense. He attacked the affidavit of Samuel Aaron, who said Henslee had made remarks showing prejudice in the Elks’ Club.

“It is highly improbable,” the Solicitor declared, “that this controversy could have happened at the Elks’ Club, granting that it could actually have happened at all, because the Elks’ Club has more Jewish members than any club in the city, with the exception of the solely Hebrew clubs. And surely Henslee has enough refinement of character to keep to himself whatever opinion he might have of a certain race.”

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heated, and heated remarks indicate a controversy, an argument. Why didn't Aaron give the names of the other men who were there and took part in the controversy? Why isn't Aaron sustained?"

Aaron Under Heavy Fire.

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Mr. Dorsey declared that if Henslee was biased or prejudiced then the other jurors, who swore that Hen-

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DORSEY HINTS AT PLOT FOR FRANK BY MAKERS

OF HENSLEE AFFIDAVITS

Continued From Page 1.

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JAIL FRANK JURORS IF GUILTY, SAYS DORSEY

PDF PAGE 5, COLUMN 7

DEFENSE GRASPING AT

STRAWS, SAYS DORSEY

HUNTING BIAS CHARGES

Solicitor Dorsey startled the court at the hearing of a new trial for Leo Tuesday afternoon by the declaration that if Judge Roan reversed the Frank verdict on the grounds of prejudice or bias, that Henslee and Johenning, the jurors accused of unfairness, should be given maximum sentences in the penitentiary.

“They deserve no better fate if it is true that their minds were warped with prejudice,” declared the Solicitor. “But no one except my friends on the other side who are grasping at straws believe these charges on which Mr. Arnold dilated in three days of delirious rambling.

“Henslee is unimpeached; Johenning is unimpeached. I do not believe that there is a man in Georgia from the Governor down who is a more conscientious and upright citizen that Johenning.”

Dorsey continued his assault throughout the day on what he appeared to regard as the most important stronghold of the defense, the alleged bias of the two jurors. In emphatic language, he told the court that there was not a ground in the entire motion for a new trial that had a semblance of merit.

“The truth is, your honor,” he said, “that they haven’t any defense in this case, and haven’t a tenable ground for this motion. They are beating aimlessly around like a man snipe-hunting, hoping against hope that something will fly into their net.

Dorsey to Finish Wednesday.

“If your honor adopts the policy of taking the word of irresponsible persons against that of a man like Henslee or Johenning, you are taking every protection away from the State and making it easy for red-handed murderers to go free.”

The indications were that the Solicitor would not close his address before Wednesday afternoon. He will be followed by Attorney Rosser for the defense in the closing plea.

“The people were not aroused against Leo M. Frank because he is a Jew,” the Solicitor said, “but because he is a criminal. IN the name of the Gentiles of Atlanta, in the name of a community which the learned counsel for the defense declares was ‘carried away with malice and a thirst for blood,’ I challenge anyone to show me where anyone cried, ‘Hang Frank! Lynch him!’ or made any remark that could be taken as an expression of personal hatred. The counsel for the defense when they charge the jury with bias and prejudice and charge the people of Atlanta with intimidating the jury with a display of ‘mob spirit,’ are not making personal accusations against any of these men. They are slandering the citizenship of the community.”

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Continued on Page 4, Column 1.

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"On the question of the cheering and demonstrations."

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death, thus confirming the implication that appeared to lie in your remark of the day before.

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“Attorney Rosser interrupted the Solicitor to say that he might be a bad enough lawyer to insist on the consideration of those very points.”

Frank A. Hooper, who was associated with the Solicitor in the prosecution of Frank, spoke an hour at the hearing Monday after the conclusion of Reuben Arnold’s argument, which had consumed a total of nearly twelve hours in its delivery. Hooper ridiculed the allegations of bias against Henslee and declared that the charges of prejudice were so vague and indefinite as to time and surroundings that no credence would be given them in nine cases out of ten.

Third Degree Denied.

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He declared that it had been the Solicitor’s sole endeavor to get at the truth in the case and that if less had been done he would have thought Dorsey was not doing his duty.

PDF PAGE 6, COLUMNS 1 & 7

PDF PAGE 6, COLUMN 1

DORSEY DEFENDS CONLEY TESTIMONY

PDF PAGE 6, COLUMN 7

NEGRO'S STATEMENT LEGAL EVIDENCE, HE SAYS; STATE CLOSES

Making a determined stand in behalf of the admissibility bearing on that part of Jim Conley's testimony which had to do with Leo Frank's moral conduct, Solicitor Dorsey Tuesday afternoon neared the close of his argument in opposition to the motion for a new trial made by Frank's lawyers.

The Solicitor read numerous legal citations which enumerated cases where evidence of this nature had been admitted to show the likelihood of the defendant's guilt in respect to the charge for which he was on trial.

Mr. Dorsey touched briefly on Judge Roan's failure to charge the jury with amount of credibility which might be given Conley's testimony, in view of the negro's admission that he repeatedly had sworn falsely. He read the law to show that the mere failure of Judge Roan to make the impeachment charge, in the absence of a request by the defense, was not at all a sufficient ground for a new trial.

Dorsey closed his argument at 4:55 and the State's case rested.

Solicitor Dorsey startled the court at the hearing of a new trial for Leo Tuesday afternoon by the declaration that if Judge Roan reversed the Frank verdict on the grounds of prejudice or bias, that Henslee and Johenning, the jurors accused of unfairness, should be given maximum sentences in the penitentiary.

"They deserve no better fate if it is true that their minds were warped with prejudice," declared the Solicitor. "But no one except my friends on the other side who are grasping at straws believe these charges on which Mr. Arnold dilated in three days of delirious rambling.

"Henslee is unimpeached; Johenning is unimpeached. I do not believe that there is a man in Georgia from the Governor down who is a more conscientious and upright citizen that Johenning."

Dorsey continued his assault throughout the day on what he appeared to regard as the most important stronghold of the defense, the alleged bias of the two jurors. In emphatic language, he told the court that there was not a ground in the entire motion for a new trial that had a semblance of merit.

“The truth is, your honor,” he said, “that they haven’t any defense in this case, and haven’t a tenable ground for this motion. They are beating aimlessly around like a man snipe-hunting, hoping against hope that something will fly into their net.

Dorsey to Finish Wednesday.

“If your honor adopts the policy of taking the word of irresponsible persons against that of a man like Henslee or Johenning, you are taking every protection away from the State and making it easy for red-handed murderers to go free.”

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“The people were not aroused against Leo M. Frank because he is a Jew,” the Solicitor said, “but because he is a criminal. IN the name of the Gentiles of Atlanta, in the name of a community which the learned counsel for the defense declares was ‘carried away with malice and a thirst for blood,’ I challenge anyone to show me where anyone cried, ‘Hang Frank! Lynch him!’ or made any remark that could be taken as an expression of personal hatred. The counsel for the defense when they charge the jury with bias and prejudice and charge the people of Atlanta with intimidating the jury with a display of ‘mob spirit,’ are not making personal accusations against any of these men. They are slandering the citizenship of the community.”

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PDF PAGE 7, COLUMN 8

Beavers Cheered by Birmingham Men in Speech Against Vice

Chief Beavers and Marion Jackson, Men and Religion leader, returned to Atlanta Monday morning well pleased with the reception given to them in Birmingham Sunday when they addressed a mass meeting of men on the vice station.

Chief Beavers and Mr. Jackson told the Birmingham audience that the closing of the restricted district has improved Atlanta and that the city is in better condition than ever. They declared Atlanta never would consent to a return to the old condition. Chief Beavers drew an outburst of applause when he asserted that Birmingham never again would tolerate recognized vice in any form.

Birmingham recently wiped out the segregated district, and the addresses of the two Atlanta leaders were receive with great interest.

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Fisher Now Denies He Accused Shirley.

DALTON, Oct. 28—Ira W. Fisher, in jail here, charged with murder, denies that he ever charged J. C. Shirley, an Atlanta man, with the murder of Mary Phagan.

“I merely told what I knew, and I still stick to it,” he says. “Shirley told me he had a date with a girl named Hattie at the pencil factory, and on his return from there said he had ‘played hell.’ I stick to this for it is true. As for my making any direct charge that he killed Mary Phagan, it is not true.”

Fisher is beginning to chafe from his confinement here. He vigorously protests his innocence of the murder charge against him, and when he told he would not get a hearing before Superior

Court met here in January, he remarked on it being too hard to keep him penned up for such a time on a charge he knew nothing about.

“Why, Dug Steel and I were the best of friends, and it is ridiculous to think I would have killed him. I proved my innocence before the Coroner’s jury, and can easily do so again,” he said.

“My opinion is Steel was killed by the train; but if he was murdered, I would gladly spend five years in the penitentiary if it would bring to light the name of his slayer.”

“On the night Steele met death, I left him shortly after darkness, and never saw him again.”

When asked concerning the statement made by Oscar Ashworth, who is one of the State’s leading witnesses in the case against Fisher, he denied even remembering Ashworth. This witness is the one who swore before the Grand Jury that Steele and Fisher had a violent quarrel the afternoon before Steele’s death, in which he claims to have heard Fisher threaten to kill Steele that night. Ashworth also swore that Fisher approached him the next day and threatened to kill him if he ever mentioned having heard the quarrel.

PDF PAGE 12, COLUMN 1

J. M. Gantt Again

In Court to Testify Against Assailant

Trial in the Recorder’s Court Monday morning confronted H. H. Long, of No. 85 South Jackson Street, on a charge of attacking with a knife J. M. Gantt, of Marietta, well known as a witness in the Frank trial and at one time arrested on suspicion of murdering Mary Phagan.

The attack took place Saturday night in a saloon at No. 33 West Mitchell Street. Gantt subpoenaed as a witness for the trial, and other witnesses assert that Long and Gantt, being engaged in an argument, the former lost his temper, produced a long knife and attempted to cut his opponent’s throat.

Long says he was drinking heavily and declares he remembers nothing of the attack or its cause.

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PDF PAGE 15, COLUMN 1

SLATON CHECKS

PARDON PLEA ONRUSH

Governor Will Not Review Cases Which Were Recently De-cided by Predecessor.

Governor Slaton, overwhelmed with applications of all sorts for executive clemency, has set his foot down hard upon indiscriminate petitioning for pardons, commutations, paroles and so on, and will consider hereafter no petition that has been

paused upon by former Governor Brown within twelve months of its proposed reopening, save in extremely exceptional and extraordinary cases.

The Governor has been almost swamped since he assumed the Chief Magistracy of the State by an avalanche of applications for clemency.

He has tried in every way he could think of politely to stem the onrush, but with scant success thus far.

Every mall brings fresh applications, concerning matters all the way from simple larceny to red-handed murder.

Hereafter any case that has been up before Governor Brown within twelve months of its presentation to Governor Slaton will be peremptorily dismissed.

The present Governor has great faith in the fairness, ability and common sense of his immediate predecessor in office, and sees no reason why he (Slaton) should review cases already passed upon by Governor Brown. It will be the police of the present administration, therefore, to give full faith and credit to the findings of Governor Brown in all cases hereafter coming up, and no attention whatever will be paid to cases that have been ruled upon by the former Governor within twelve months.

Few Exceptions Made.

Of course, in cases involving absolutely and honestly discovered new evidence, extreme physical disability, and the like, exceptions may be made. But even then, the showing must be exact, definite and convincing immediately, both to the Prison Commission and the Executive.

“The matter of clemency is one of the most trying, as well as one of the most responsible prerogatives resting within the arbitrary pleasure of the Governor,” said Governor Slaton.

“It should not, and so long as I am Governor shall not, be exercised lightly; and it ought not to be asked lightly.”

“I wish to give every man and every matter coming before me a fair deal, and that I shall try to do, though the heavens fall. But it is not right to call upon the Governor unless the showing to be made is conscientiously ample, and unless the petitioner knows in his heart that clemency is honestly and sincerely in order.”

“If, say, a case was presented to Governor Brown six or eight months ago, and he after careful analysis and weighing of the facts, passed an order concerning it, why should this office now be asked to reopen the case, when the showing to be made is in no way different from the showing made before Governor Brown?”

Will Dismiss Petitions.

“Hereafter, it shall be the police of this office to dismiss applications coming within the limits of time set up—twelve months of the rulings of the former Governor.”

“Necessarily, the clemency power being arbitrary, I could not make this rule absolutely ironclad, but it shall be as nearly ironclad as my sense of duty and right can make it, and that means it will require extraordinary circumstances to make me vary from it.”

“Parties with petitions for clemency in their minds will do well to remember the foreign rule. As a matter of fact, it is a rule, and hereafter shall be an enforced rule of the Governor’s office.”

PDF PAGE 15, COLUMN 6

Heavy Docket in Superior Court for Judge Ben Hill

Judge Ben Hill will take his place in the Fulton County Superior Court next Monday, and has notified Sheriff Mangum to have a jury drawn for that date. Coincident with him taking this place will be the swearing in of Judge L. S. Roan as a member of the Court of Appeals.

The appointments of Judge Hill to the Fulton County bench and of Judge Roan to the Court of Appeals were made two months ago, but assumption of duties were postponed on account of the hearing of a motion for a new trial for Leo M. Frank. Judge Roan held it was his duty to hear this motion.

Judge Hill’s move in instructing the Sheriff to draw a jury for him is taken as a certain indication that Judge Roan will make his decision in the Frank hearing this week.

PDF PAGE 27, COLUMN 3

PROMINENT MEN IN NEW GRAND JURY LIST

The Fulton County Grand Jury for the November term will be organized next Monday morning by Judge Ellis. It faces a heavy docket. Whether Judge Roan grants a new trial to Leo M. Frank or not, Solicitor Dorsey and his assistant, E. A. Stephens, will forget that case for a while and busy themselves with cleaning up the

cases which have developed during the time this famous trial has held the attention of the courts.

Thursday the present Grand Jury will meet to wind up its business and will be dismissed then or Friday morning. An effort is being made to have its report completed by Thursday.

The new Grand Jury list contains the names of many well-known business men of Atlanta, among them being William L. Peel, president of the American National Bank; Frank Weldon, real estate, and Robert F. Shedden and William F. Manry, prominent insurance men.

Following are the men from whom the Grand Jury will be selected:

B. F. Pim, C. L. Defoor, College Park; T. E. Camp, Bryants District; M. C. Strickland, W. F. Manry, Henry A. Coleman, Hapeville; John Aldridge; R. E. Richards, W. F. Patillo, W. C. Smith, No. 464 Luckie street; Sam D. Jones, Morton Smith, R. F. Shedden, J. M. Beasley, S. B. Scott, A. J. McCoy, East Point; J. T. Rose, Milton A. Smith, Charles C. Mayson, Buckhead; William L. Peel, Frank Weldon, J. D. Leitner, E. A. Hartscok, W. H. Mitchell, Oak Grove; W. T. Healey, Herbert M. Milam, C. J. Sullivan, Frank G. Lake, C. C. McGehee, Jr., and S. H. Venable.

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THE GEORGIAN’S NEWS BRIEFS

PDF PAGE 40, COLUMN 4

FRANK WITNESSES RAPPED BY DORSEY

Solicitor Is Scathing in His De- mand for a Refusal of a New Trial

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Juror A. H. Henslee’s alleged bias against Leo M. Frank around which much of the hardest fighting in the hearing for a new trial has centered, again was the subject when Solicitor General Dorsey resumed his argument in defense of the verdict of guilty Tuesday, in the library of the State Capitol. He made a bitter attack on the character of some of the defense’s witnesses.

The Solicitor took up the business connections, character and reputation of each of the jurors, paying particular attention to Henslee and Johenning, the two attacked, and sought to show

that the jury was unusually and remarkably high class, and that it was utterly futile to allege that any member was prejudiced and unfair, as it has been the endeavor of Frank’s lawyers to establish.

Dorsey made an eloquent protest against the upsetting of a solemn verdict of a jury on what he described as flimsy and insubstantial groudns advanced by the defense. He savagely attacked the reputation for veracity of several of the defense’s witnesses who swore to the expressed bias of Henslee and asked if a new trial should be granted on their irresponsible statements.

C. P. Stough, of Atlanta, a representative of the Mason’s Annuity; Samuel Aaron, of No. 217 Crew street, and R. L. Gremmer, of Albany, were the trio most bitterly assailed by the Solicitor. All had testified to hearing Henslee make denunciatory remarks in regard to Frank before the trial began.

“It’s up to your honor to say whether you will take the word of Stouch, impeached by Lou Castro and H. L. Bennett, or that of Henslee, not only unimpeached, but sustained by the other eleven jurors with whom he was thrown for the 29 days of the trial,” said Dorsey.

“It is up to your honor to say whether you will take the word of the irresponsible Sam Aaron or that of the impeached R. L. Gremmer against that of this juror who was unchallenged when he went into the jury box and whose vote of ‘doubtful’ on the first ballot—the only ‘doubtful’ vote cast—indicates that he was far from biased or prejudiced.”